

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are currently pending. Claims 1-9 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Abstract was objected to as having two paragraphs; Claims 1-3, 5-8, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0028867 to Kryloff et al. (hereinafter “the ‘867 application”); and Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘867 application in view of U.S. Patent No. 6,223,026 to Martschitsch et al. (hereinafter “the ‘026 patent”).

Applicants respectfully submit that the objection to the Abstract is rendered moot by the present amendment to the Abstract. The Abstract has been amended to be a single paragraph and to be between 50 and 150 words. Accordingly, the objection the Abstract is believed to have been overcome.

Amended Claim 1 is directed to an information management apparatus, comprising:
(1) a communication section for transmitting/receiving through a wireless or wired transmission path; (2) a data processing section for processing the data transmitted/received by the communication section; (3) a memory space in which a file processed by the data processing section is arranged; and (4) archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file. Claim 1 has been amended to correct minor informalities and no new matter has been added.¹

¹ See, e.g., Figure 12 and the discussion related thereto in the specification.

The '867 application is directed to a system for generating a patch file from an old version of data and a new version of data, both of which consist of a series of elements. As shown in Figure 3, the '867 application discloses that the old version of data is sorted alphabetically and the new version of data is sorted alphabetically to create respective lists of sorted data. Further, the '867 application discloses that the two lists are recursively compared to search for a match for the data. In this manner, the '867 patent discloses that a patch file is created, and that several patch files may be aggregated into a secure portable compressed "archive" to decrease the storage and transfer requirements of the patch file. As noted on page 3 of the outstanding Office Action, paragraph 23 of the published '867 application discloses that "the portable archive includes features to detect the presence of the file to be patched on a target system and then applies the sequence of patches automatically. In other words, the invention provides a self-extracting .ZIP file with intelligence to determine if a patch is necessary and how the patch should be implemented."²

However, Applicants respectfully submit that the '867 patent fails to disclose archive file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file, as recited in amended Claim 1. The '867 patent is silent regarding identification information of a destination terminal at which the archive file is to be decompressed, as recited in Claim 1. In this regard, Applicants note that paragraph 22 of the '867 application discloses that "the compressed digitally assigned patch files are incorporated into self-extracting executable files that are automatically extracted and decompressed upon execution." *However, there is no mention in the '867 application that an archive file includes identification information of a destination terminal at which the archive file is to be decompressed*, as recited in Claim 1. The '868 application merely

² See paragraph 23 of the '867 application.

discloses that the files are patched on a target system, but does not disclose that an ID of the “target system” is included in the archive file. Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 1 as anticipated by the ‘867 application.

Independent Claim 6 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for reasons analogous to the reasons stated above, Applicants respectfully traverse the rejection of Claim 6 (and all similarly rejected dependent claims) as anticipated by the ‘867 application.

Regarding the rejection of dependent Claims 4 and 9 under 35 U.S.C. § 103, Applicants respectfully submit that the ‘026 patent fails to remedy the deficiencies of the ‘867 application, as discussed above. Accordingly, Applicants respectfully traverse the rejections of Claims 4 and 9.

Thus, it is respectfully submitted that independent Claims 1 and 6 (and all associated dependent claims) patentably define over any proper combination of the ‘867 application and the ‘026 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

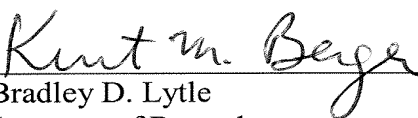
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)


Bradley D. Lytle
Attorney of Record
Registration No. 25,599

Kurt M. Berger, Ph.D.
Registration No. 51,461

I:\ATTY\KMB\284's\284921US\284921US-AM-DUE-12-10-07.DOC